

Message Text

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ACTION EUR-25

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SUBJ: I.A. NEGOTIATIONS MEETING JUNE 19, 1974: COMMUNICATIONS
AND ELECTRONICS

REF: ANKARA 4661

SUMMARY: AT I.A. NEGOTIATIONS MEETING JUNE 19, 1974
DISCUSSION CONTINUED ON ARTICLE 7 (CHANGES) COMMUNICATIONS
AND ELECTRONICS I.A. (C&E). TURKS SUBMITTED NEW DRAFT
PROVIDING FOR JOINT DETERMINATION OF EFFECT CHANGES
MIGHT HAVE ON PURPOSE, NATURE AND ACTIVITIES. U.S. NOTED
TURKISH PROPOSAL STILL DID NOT PROPERLY DISTINGUISH BETWEEN
OPERATIONS COMMON TO ALL INSTALLATIONS AND C&E OPERATIONS IN
PARTICULAR. U.S. SUBMITTED NEW DRAFT PROVIDING FOR NOTIFICATION
TO TGS IN ADVANCE OR AS PROMPTLY AS POSSIBLE ON ALL "MAJOR"

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SHANGES IN C&E SYSTEMS AND EQUIPMENT. TURKS SAID NEW

U.S. TEXT STILL DENIED THEM RIGHT TO REVIEW U.S. DETERMINATION ON NATURE OF CHANGE. TURKS THEN SUGGESTED "COMPROMISE" LANGUAGE, WHICH U.S. AGREED TO CONSIDER WITH SOME MODIFICATIONS. END SUMMARY

1. ARTICLE 7: TURKS NOTED THEIR DELETION OF THE WORD "EQUIPMENT" FROM FIRST SENTENCE MAIN TEXT TO MAKE CLEAR THAT ONLY C&E EQUIPMENT INTENDED. FIRST SENTENCE NOW READS: "SUBSEQUENT TO THE COMPLETION OF THIS IMPLEMENTING AGREEMENT,

NO CHANGES MAY BE BROUGHT TO THE INSTALLATIONS, SYSTEMS, APPARATUS AND COMMUNICATIONS-ELECTRONICS EQUIPMENT, WITHOUT THE APPROVAL OF THE GOVERNMENT OF THE REPUBLIC OF TURKEY EXCEPT FOR THOSE NOT AFFECTING THE PURPOSE, NATURE OR ACTIVITIES OF THE SAID INSTATIONS AND EQUIPMENT." TURKS PROPOSED FOLLOWING NEW LANGUAGE FOR LAST SENTENCE MAIN TEXT AND AGREED MINUTE: "HOWEVER, THE EFFECT OF SUCH CHANGES ON THE PURPOSE, NATURE AND ACTIVITIES OF THE COMMON DEFENSE INSTALLATIONS WILL JOINTLY BE DETERMINED." TURKISH CHAIRMAN (ASST DIRGEN INT'L SECURITY AFFAIRS ASULA) STATED "JOINT DETERMINATION" MEANT THAT TGS WOULD BE NOTIFIED IN ADVANCE BUT NEW LANGUAGE AVOIDED APPARENT CONFLICT WITH DCA WHICH CREATED PROBLEM FOR U.S. IN OTHER DRAFTS.

2. U.S. CHAIRMAN (MSA COUNSELOR BOEHM) NOTED THAT TURKISH DRAFT INTERNALLY CONTRADICTORY AND STILL FAILED TO DEAL WITH PECULIARITIES OF C&E BY NOT DISTINGUISHING BETWEEN INSTALLATIONS IN GENERAL (AND THUS OTHER I.A.'S) AND C&E OPERATIONS IN PARTICULAR. HE HANDED TURKS FOLLOWING NEW U.S. DRAFT: "HOWEVER, THE TGS WILL BE ADVISED IN ADVANCE OR AS PROMPTLY AS POSSIBLE OF ALL MAJOR CHANGES IN C&E SYSTEMS, APPARATUS AND EQUIPMENT." U.S. STATED ITS DRAFT TOOK ACCOUNT OF THRESHOLD BETWEEN MAJOR AND MINOR CHANGES WHICH BOTH SIDES APPEARED TO RECOGNIZE IN PRINCIPLE. IT WAS TRUE THAT DETERMINATION OF WHAT CONSTITUTED "MAJOR" WAS LEFT TO U.S. BUT GOT HAD THREE OFFSETTING CONTROLLING FACTORS IN ITS FAVOR: 1) U.S. ALREADY FOLLOWED AN INFORMAL ADVANCE NOTIFICATION PROCEDURE ON CHANGES; 2) SIGNIFICANT CHANGES NOT NOTIFIED WOULD BECOME IMMEDIATELY DISCERNABLE TO TURKS; 3) TURKS HAD RIGHT OF INSPECTION OF INSTALLATIONS AND FACILITIES.

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3. TURKS NOTED THAT U.S. DRAFT STILL GAVE U.S. UNILATERAL RIGHT OF DECISION ON EFFECT OF CHANGES AND THAT "MAJOR" CHANGES WAS IN ESSENCE A REPETITION OF IDEA FIRST SENTENCE. U.S. OFFERED TO CHANGE WORD, "MAJOR", TO "SIGNIFICANT", IN ITS DRAFT.

4. TURKS PROPOSED FOLLOWING LANGUAGE FOR CONSIDERATION AS

COMPROMISE: "HOWEVER, THE TGS WILL BE ADVISED IN ADVANCE OF ALL SIGNIFICANT CHANGES NOT AFFECTING PURPOSE, NATURE AND ACTIVITIES IN C&E INSTALLATIONS, SYSTEMS, APPARATUS AND EQUIPMENT." TURKS STATED THEY RECOGNIZED THAT IN SOME EMERGENCY CASES "ADVANCE" NOTICE WOULD NOT BE POSSIBLE AND "PROMPT" NOTICE WOULD THEREFORE BE GIVEN. THEY "RESERVED" ON INCLUSION WORDS, "OR AS PROMPTLY AS POSSIBLE" IN TEXT, HOWEVER, OPINING THAT SUCH INCLUSION UNNECESSARY. U.S. NOTED ELIMINATION OF "PROMPTLY" CLAUSE CAUSED SOME TROUBLE FOR U.S. AND REQUIRED FURTHER CONSIDERATION. U.S. SUGGESTED DELETION OF WORD "INSTALLATIONS", FROM TURKISH COMPROMISE PROPOSAL TO CLARIFY DIFFERENCE BETWEEN A ROUTINE CDI CHANGE LIKE ENLARGING A PARKING LOT AND A C&E EQUIPMENT CHANGE WHICH COULD CREATE INTERFERENCE. TURKS EXPRESSED RESERVATIONS ABOUT DELETION BUT AGREED TO CONSIDER.

5. COMMENT: BELIEVE WE CAN LIVE WITH FOLLOWING TEXT:
"HOWEVER, THE TGS WILL BE ADVISED IN ADVANCE OF ALL SIGNIFICANT CHANGES NOT AFFECTING PURPOSE, NATURE AND ACTIVITIES IN C&E SYSTEMS, APPARATUS AND EQUIPMENT."
THIS TEXT HAS VIRTUE OF MAKING NECESSARY DISTINCTION BETWEEN INSTALLATIONS IN GENERAL AND C&E OPERATIONS IN PARTICULAR, AND LEAVING U.S. TO JUDGE WHETHER A CHANGE IS IMPORTANT ENOUGH TO REQUIRE NOTIFICATION, A PROCESS WE ALREADY FOLLOW IN PRACTICE.
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